

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SEAN NELSON ROGERS, SR.,
a/k/a S.D.I. Misc Sells,

Appellant,

Case No. 19-cv-876-pp

v.

REBECCA R. GARCIA,
Chapter 13 Trustee,

Appellee.

**ORDER DISMISSING APPEAL FOR FAILURE TO DILIGENTLY PURSUE IT
UNDER CIVIL LOCAL RULE 41(C)**

The appellant filed this appeal from U.S. Bankruptcy Judge Beth Hanan's June 5, 2019 order denying his motion to continue the stay. Dkt. No. 1. He filed the appeal on June 13, 2019. That same day, the bankruptcy court notified the appellant that he needed to pay the filing fee. Case No. 19-24293-beh, Dkt. No. 30. As of July 8, 2020, the appellant had not paid that filing fee. Dkt. No. 4 at 1. In addition, on July 12, 2019, the court sent the petitioner a letter, explaining that the briefing deadlines under Fed. R. Bankr. P. 8018 began as of that date. Dkt. No. 3. Under that rule, the appellant was required to serve and file his brief within thirty days of the day the record was transmitted to this court—that is, by August 11, 2019. As of July 8, 2020—almost a year later—the appellant had not filed a brief.

On July 8, 2020, this court issued an order to show cause, requiring the appellant to show cause in writing why the court should not dismiss his appeal

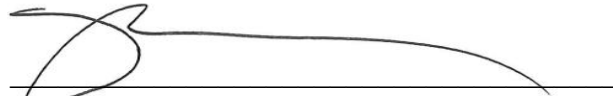
for failing to pay the filing fee and failing to file his brief. The order notified the appellant that if the court did not receive his explanation by the end of the day on July 24, 2020, it would dismiss the appeal for failure to diligently prosecute it under Civil Local Rule 41(c) (E.D. Wis.). Dkt. No. 4.

The deadline has passed, and the appellant has neither paid the filing fee nor filed a brief. None of the mail the court has sent him has been returned as undeliverable. The court concludes that the appellant is not diligently prosecuting this appeal.

The court **ORDERS** that this appeal is **DISMISSED WITH PREJUDICE** under Civil L.R. 41(c) for the appellant's failure to diligently pursue it.

Dated in Milwaukee, Wisconsin this 28th day of July, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge